

Commission should not hesitate to seek additional information to verify that a permittee's progress reports accurately reflect the level of its efforts toward constructing and launching its DBS system.

Geographic Service Requirements § 100.53. The Commission's proposals with respect to DBS geographical service requirements fall into four categories: (1) transferring to Part 25 the existing rules requiring DBS licensees that are issued authorizations after January 19, 1996 to serve Alaska and Hawaii if technically feasible; (2) clarifying that DBS licensees who received their authorizations prior to January 19, 1996 must serve Alaska and Hawaii if technically feasible when the licensees request an extension or renewal of their authorizations; (3) eliminating a provision of the rules that could be read to permit "warehousing" of western orbital positions; and (4) expanding the DBS geographical service requirements to include Puerto Rico and other U.S. territories and possessions.

PRIMESTAR supports the changes described in clauses (1) and (2) of the preceding paragraph. These proposals reaffirm existing rules and apply those rules to renewals and extensions of DBS authorizations which were received prior to January 19, 1996. The end result is that all DBS licensees who receive any type of DBS authorization from the Commission after January 19, 1996, will be subject to the same requirements.

inherent in developing DBS service using the western orbital

In implementing and enforcing the geographical service requirements, PRIMESTAR urges the Commission to continue to permit each DBS service provider to use its reasonable discretion to balance technical system design with its marketing objectives.

PRIMESTAR does not object to elimination or clarification of Section 100.53(a) of the Commission's rules to the extent such section could be construed to countenance warehousing of western DBS orbital locations for lengthy periods. Nevertheless, as the Commission recognizes, there are a number of requests for extensions of western location authorizations pending or imminent,⁴⁹ which will need to be resolved soon. In addressing these requests, the Commission should acknowledge that DBS licensees have been devoting most of their efforts and resources toward developing their full-CONUS DBS orbital resources, while development of the western locations legitimately has awaited regulatory and market clarification. Accordingly, the Commission should not be quick to deprive these DBS pioneers of a reasonable further opportunity to apply their considerable expertise to the realization of service objectives at their western locations. PRIMESTAR submits that, so long as a DBS licensee has shown progress by meeting its construction milestones and launching a satellite at its eastern or full-CONUS DBS orbital location, especially if the licensee already is serving Alaska and Hawaii from its eastern or full-CONUS locations, such licensee should be

locations.

⁴⁹ See Notice at ¶ 10 (and accompanying chart).

afforded a reasonable additional period of time to put its western location to use.

Finally, PRIMESTAR does not believe it would be prudent to expand the geographical service requirements to include Puerto Rico and other territories or possessions. The Commission should afford the marketplace an opportunity to work to serve currently unserved U.S. territories or possessions, to the extent such service is economically feasible.⁵⁰

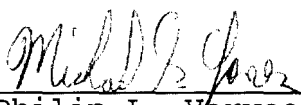
⁵⁰ Some licensees already have the capability to serve offshore locations. For example, TEMPO's satellite at 119 degrees W.L. can view Puerto Rico.

VI. CONCLUSION.

For the reasons set forth above, the Commission should proceed with its efforts to streamline the rules applicable to DBS licensees, and the Commission should decline to adopt a cable/cross-ownership prohibition as inconsistent with the public interest and an inefficient use of the Commission's resources.

Respectfully submitted,

PRIMESTAR, INC.

By: 
Philip L. Verveer
Michael G. Jones
Angie Kronenberg

WILLKIE FARR & GALLAGHER

Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036

By: 
Benjamin J. Griffin

REED SMITH SHAW & McCLAY

1301 K Street, N.W.,
East Tower, Suite 1100
Washington, D.C. 20005

ITS ATTORNEYS

April 6, 1998

CERTIFICATE OF SERVICE

I, Dennette Manson, do hereby certify that on this 6th day of April, 1998
copies of the foregoing Comments of PRIMESTAR, INC. were delivered by hand, unless
otherwise indicated, to the following parties:

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, NW
Room 814
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW
Room 832
Washington, DC 20554

Commissioner Michael K. Powell
Federal Communications Commission
1919 M Street, NW
Room 844
Washington, DC 20554

Christopher J. Murphy
International Bureau
2000 M Street, N.W.
Suite 500
Washington, DC 20554

Commissioner Harold W. Furchtgott-Roth
Federal Communications Commission
1919 M Street, NW
Room 802
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, NW
Room 826
Washington, DC 20554

Regina Keeney, Chief
International Bureau
Federal Communications Commission
2000 M Street, NW, Room 800
Washington, DC 20554

ITS, Inc.
2100 M Street, NW
Room 140
Washington, DC 20037

